IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2050 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/08/1999 in WP NO :27334 OF 1998 on the file of the High Court.)

Between:

1.The APS RTC represented by its Managing Director, Musheerabad, Hyderbad.

2. The APS RTC represented by its Regional Manager, Adilabad Region.

3. The APS RTC represented by its Divisional Manager, Nizamabad Division.

4. The APS RTC represented by its Personnel Officer, Adilabad Region.

..... APPELLANTs

AND

1.T.Jagadeshwararao, s/o Chinnarao, aged about 41 years, Karimnagar.

2.Md.Ibrahim s/o Md. Mastan, aged about 48 years, Adilabad.

3.K.Sayanna s/o Veeraiah, aged about 41 years, Adilabad.

4.B.N.B.Raju, s/o Rajanna, aged about 43 years, Adilabad.

5.S.Ramulu, s/o S.Narasimhulu, aged about 42 years, Adilabad.

(All are c/o T.J.Rao, Conductor, APSRTC, Nirmal Depot, Adilabad Dist.)

.....RESPONDENTS

Counsel for the Appellant:Smt.P.Rajani Reddy.
Counsel for the Respondent No.: MR.Viswanadham

The Court made the following :

.

-

-

JUDGMENT (Per the Honourable Sri Justice S.Ananda Reddy.)

This writ appeal is filed by the Corporation aggrieved by the order of the learned single Judge in W.P.No:27334 of 1998, dated 16.8.1999, under which the learned single Judge directed the Corporation to regularize the services of the writ petitioners with effect from the date of their initial appointment extending all the benefits flowing from such regularization.

The appellant herein is the A.P.S. R.T.C. and the respondents are the writ petitioners.

The grievance of the Corporation is that though the writ petitioners have completed 240 days, but there was no regular vacancy. Therefore, they are not entitled for regularization.

However, at the time of hearing the appeal, both the counsel have placed reliance on a judgment of the Apex Court reported in DIVISIONAL MANAGER, A.P.S R.T.C. VS. P.LAKSHMOJIRAO () wherein the Apex Court has passed the following order:

> "In view of this peculiar situation and in order to avoid the anomalies that might otherwise under issue while we hold that the respondent-employees have failed to establish their right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents, cannot be legal and valid, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:
>
> "If any of the Conductors junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization or are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them shall be given the same benefit on the same principles."

In view of the above decision of the Apex Court, the order of the learned single Judge is modified and the Corporation is directed to pass appropriate orders with reference to the date of regularisation in the light of the observations of the Apex Court in the above decision.

Accordingly, this writ appeal is disposed of.

_____

Justice T.Meena Kumari

4th February, 2005

_____

Justice S.Ananda Reddy

Gurc.

Copies to

1. The APS RTC represented by its Managing Director, Musheerabad, Hyderbad.

2. The APS RTC represented by its Regional Manager, Adilabad Region.

3. The APS RTC represented by its Divisional Manager, Nizamabad Division.

4. The APS RTC represented by its Personnel Officer, Adilabad Region.

5. Two C.D.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL Nos:2050 of 1999

(judgment delivered by Sri. S.Ananda Reddy)

4th February, 2005